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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/542,222

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Fadi Salim Amran

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Rutan & Tucker, LLP.

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SUITE 1400

COSTA MESA, CA 92626

EXAMINER

SWENSON, BRIAN L

ART UNIT

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/542,222	<b>Applicant(s)</b> AMRAN, FADI SALIM	
	<b>Examiner</b> BRIAN SWENSON	<b>Art Unit</b> 3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 May 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 July 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 7-13 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 7 recites the limitation "the extensions" in line 1.

Claim 8 recites the limitation "the frame" in line 2.

Claim 10 recites the limitation "the extensions" in line 1.

There is insufficient antecedent basis for these limitations in the claims.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 2 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,145,716 issued to Caicedo.

Caicedo teaches in Figures 1-10 and respective portions of the specification collapsible stroller backpack configurable in at least two configurations wherein: a first configuration is a stroller configuration wherein the backpack comprises a seat assembly adapted to receive a child (see seat Figure 1, can receive a child); and a

second configuration is a backpack configuration wherein the stroller backpack is adapted to be worn and to carry items, but the seat assembly is no longer adapted to receive a child (see Figure 8)

3. Claim 8, as best understood, is rejected under 35 U.S.C. 102(b) as being clearly anticipated by U.S. Patent No. 5,964,470 issued to Syendsen et al.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, 5, 16-17 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,932,427 issued to Tamura in view of U.S. Patent No. 6,145,716 issued to Caicedo.

Tamura teaches in Figures 1-5 and respective portions of the specification of a collapsible stroller with: a configuration is a stroller configuration wherein the stroller backpack comprises a seat assembly adapted to receive a child (see Figure 1 and Col. 1, line 8 where it is disclosed that the seat is adapted for a child); and another configuration is a portable backpack configuration wherein the stroller is adapted to be pushed or pulled along the ground using a handle (15) extended from the stroller backpack while the seat assembly is not adapted to receive a child (see for example Figure 4).

Tamura discloses the claimed invention including a third configuration (Figure 3) where the seat assembly is folded out of the way and the carrier is used as a suitcase. Tamura does not teach of shoulder straps for using the carrier as a backpack.

Caicedo teaches in Figures 1-10 and respective portions of the specification of a backpack that contains a seat that can be folded into a use position.

It would have been obvious to one having ordinary skill in the art at the time of invention to combine the familiar shoulder straps taught by Caicedo, located on the opposite side of the container (11) as the seat (21), with the suitcase structure taught by Tamura (Figure 3) to allow the user to transport the suitcase over an uneven running surface with the user's hands free; additionally, such a combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results (see MPEP 2143(A)).

In re claim 3, see Figure 1 of Tamura where the seat (21) projects from the container (11).

In re claims 17 and 21, the method of changing the configuration of the stroller backpack by extending a handle outward (Figure 1 of Tamura) and causing the seat assembly to project outward from the container away from the handle (Figure 2 of Tamura) and then collapsing the seat and handle (Figure 3 of Tamura) is inherently performed by the apparatus taught by Tamura and as modified by Caicedo.

5. Claims 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tamura in view of Caicedo, as discloses above, and in further view of U.S. Patent No. 5,964,470 issued to Syendsen et al.

Tamura as modified by Caicedo disclose a telescoping handle (15), but does not teach of a rotatable handle.

Syendsen et al. teaches of a stroller backpack with a rotatable (14).

It would have been obvious to one having ordinary skill in the art at the time of invention to provide a rotatable handle, as taught by Syendsen et al., in the invention taught by Tamura in view of Caicedo. One would be motivated to provide a rotatable handle to provide an additional support (as shown by Syendsen et al. in Figure 2); additionally, such a combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results.

6. Claims 4, 6, 14-15, 18-20 and claims 7-13, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Tamura in view of Caicedo, as modified above, and in further view of U.S. Patent No. 3,290,050 issued to Ezquerra.

Tamura as modified by Caicedo disclose a handle (15), but does teach of a rotatable handle and two grip members moveably coupled to the handle.

Ezquerra teaches of an adjustable handle (Figure 1, element 17) for a stroller that allows two grip members placement to be adjusted; see reference numeral 20 that are taken to be grip members allowed to translate longitudinally within handlebar 17 (see arrowheads located above handlebar).

It would have been obvious to one having ordinary skill in the art at the time of invention to provide the adjustable handle structure, as taught by Ezquerra, in the invention taught by Tamura and as modified by Caicedo to allow the handle to be placed at an ergonomic position for the user.

In re claims 18-20 the method is inherently performed by the apparatus taught by Tamura and as modified by Caicedo and Ezquerra. Additionally, it would have been obvious to one having ordinary skill in the art at the time of invention to provide a zipper to store the seat, as shown by Tamura in Figure 1, as an obvious engineering expedient.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 6,101,678 issued to Malloy et al. teaches of an adjustable handlebar structure.

U.S. Patent No. 5,988,657 issued to Henkel, U.S. Patent No. 5,899,467 issued to Henkel, U.S. Patent No. 5,507,508 issued to Liang, U.S. Patent No. 6,241,313 issued to Lenz et al. and U.S. Design Patent No. 459,883 issued to Worrell et al. all teach of a combination carrier/stroller.

U.S. Patent No. 5,662,339 issued to Svendsen et al., U.S. Patent No. 3,984,115 issued to Miller, and U.S. Patent No. 5,779,248 issued to Gold et al. all teach of various backpacks convertible to strollers.

U.S. Patent No. 5,431,478 issued to Noonan teaches of a convertible baby stroller.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRIAN SWENSON whose telephone number is (571)272-6699. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Ellis can be reached on (571) 272-6914. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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